

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1043 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person desiring
4 a license to carry a handgun ~~shall~~ **must**:
5 (1) apply:
6 (1) (A) to the chief of police or corresponding law
7 enforcement officer of the municipality in which ~~he the~~ **the**
8 **person** resides;
9 (2) (B) if that municipality has no such officer, or if the
10 applicant does not reside in a municipality, to the sheriff of the
11 county in which ~~he the person~~ **the person** resides after ~~he the person~~ **the person** has
12 obtained an application form prescribed by the superintendent;
13 or
14 (3) (C) if ~~he the person~~ **the person** is a resident of another state and has
15 a regular place of business or employment in Indiana, to the
16 sheriff of the county in which ~~he the person~~ **the person** has a regular
17 place of business or employment; **and**
18 (2) **provide documentary evidence that the person has**
19 **successfully completed a handgun safety training course**
20 **conducted under standards established by the superintendent.**
21 (b) The law enforcement agency which accepts an application for a
22 handgun license shall collect a ten dollar (\$10) application fee, five
23 dollars (\$5) of which shall be refunded if the license is not issued.
24 Except as provided in subsection (g), the fee shall be:

(1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and

(2) used by the agency for the purpose of:

(A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or

(B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain concerning the applicant ~~his~~ **the applicant's** name, full address, length of residence in the community, whether ~~his~~ **the applicant's** residence is located within the limits of any city or town, occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether ~~his~~ **the applicant's** license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with ~~his~~ **the officer's** recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation ~~he~~ **the superintendent** deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with ~~his~~ **the officer's** complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and a proper person to be so licensed, ~~he~~ **the superintendent** shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably

retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

SECTION 2. IC 35-47-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "dealer" includes any person:

- (1) licensed under 18 U.S.C. 923; or
- (2) who sells, rents, swaps, barter, leases, trades, provides for valuable consideration, or transfers a handgun to another person at a gun show.**

SECTION 3. IC 35-47-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

- (1) Obtained from the prospective purchaser written consent to a criminal history check, as specified in section 3 of this chapter.
- (2) Provided the state police department with the prospective purchaser's name, birth date, gender, race, Social Security number, and any other identification required of the prospective purchaser.
- (3) Requested and received criminal history information from the state police department by means of:
 - (A) a telephone call; or
 - (B) other electronic means.

(4) Waited at least seven (7) business days after the date the

1 **dealer provided the state police department with the**
 2 **information required under subdivision (2).**

3 SECTION 4. IC 35-47-2.5-7 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The state police
 5 department shall provide its response to a requesting dealer under
 6 section 6 of this chapter during the dealer's call, or by return call
 7 without delay.

8 (b) If a criminal history check indicates that a prospective purchaser
 9 or transferee has a disqualifying criminal record or has been acquitted
 10 by reason of insanity and committed to the custody of the division of
 11 mental health, the state police department has ~~until the end of the next~~
 12 **seven (7) business day of the state police department days** to advise the
 13 dealer that the records indicate the buyer or transferee is prohibited
 14 from possessing or transporting a firearm by state or federal law.

15 (c) If a dealer:

16 (1) is not advised of a prohibition **by the state police department**
 17 before the end of ~~the next seven (7) business day of the state~~
 18 **police department; days as described in subsection (b) and**
 19 **section 4(4) of this chapter; and**

20 (2) has fulfilled the **other** requirements of section 4 of this
 21 chapter;

22 the dealer may immediately complete the sale or transfer and may not
 23 be considered in violation of this chapter with respect to the sale or
 24 transfer.

25 (d) ~~In case of electronic failure or other circumstances beyond the~~
 26 ~~control of the state police department, the dealer shall be advised~~
 27 ~~immediately of the reason for the delay and be given an estimate of the~~
 28 ~~length of the delay. However, after a notification under this subsection,~~
 29 ~~the state police department shall inform the requesting dealer whether~~
 30 ~~state police department records indicate the buyer or transferee is~~
 31 ~~prohibited from possessing or transporting a firearm by state or federal~~
 32 ~~law not later than:~~

33 (1) ~~the end of the next business day of the state police department~~
 34 ~~following correction of the problem that caused the delay; or~~

35 (2) ~~three (3) business days of the state police department;~~

36 ~~whichever is earlier.~~

37 (e) ~~A dealer that fulfills the requirements of section 4 of this chapter~~
 38 ~~and is told by the state police department that a response will not be~~
 39 ~~available under subsection (d) may immediately complete the sale or~~
 40 ~~transfer and may not be considered in violation of this chapter with~~
 41 ~~respect to the sale or transfer.~~

42 SECTION 5. IC 35-47-2.5-11.3 IS ADDED TO THE INDIANA
 43 CODE AS A NEW SECTION TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2001]: Sec. 11.3. (a) **Notwithstanding section**
 45 **1(3) of this chapter, this section applies to Indiana residents**
 46 **licensed to carry handguns under IC 35-47-2-3.**

1 **(b) A person may not purchase or otherwise obtain for valuable**
2 **consideration more than two (2) handguns during a calendar**
3 **month.**

4 **(c) A person who knowingly or intentionally violates this section**
5 **commits a Class A misdemeanor.**

(Reference is to HB 1043 as printed February 22, 2001.)

Representative Smith V